

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAKKASAN LV, LLC, et al.

Plaintiffs,

vs.

PRIME NIGHTLIFE, et al.,

Defendants.

Case No. 2:13-cv-01122-GMN-CWH

AMENDED ORDER

This matter is before the Court on Plaintiffs' Motion for Judge Debtor Exam (#29), filed November 5, 2014. On May 16, 2014, the Court entered default judgment in favor of Plaintiffs against Defendants Tsang Hang Wang and Prime Nightlife, LLC. (#28). As part of the judgment, Defendants were ordered to pay Plaintiffs the following: (1) \$1,000 in nominal damages, (2) \$100,000 in statutory damages, and (3) \$25,019.22 in attorneys' fees and costs. *Id.* Having secured this judgment, Plaintiffs now request an order requiring Defendant Prime Nightlife, LLC to (1) designate a person most knowledgeable to appear and be examined under oath regarding Defendant Prime Nightlife, LLC's property and assets, and (2) produce several categories of documents to Plaintiffs' counsel approximately two weeks prior to the examination.

Federal Rule of Civil Procedure 69 provides that the procedure regarding "proceedings supplementary and in aid of judgment or execution—must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies." *See* Fed. R. Civ. P. 69(a)(1). Under Nevada law:

A judgment creditor, at any time after the judgment is entered, is entitled to an order from the court requiring the judgment debtor to appear and answer upon oath or affirmation concerning his or her property, before:

- (a) The judge or a master appointed by the judge; or
- (b) An attorney representing the judgment creditor,

1 at a time and place specified in the order. No judgment debtor may be required to
2 appear outside the county in which the judgment debtor resides.

3 See Nevada Revised Statutes (“NRS”) 21.270(1). Federal Rule of Civil Procedure 69 further
4 provides that “[i]n aid of judgment or execution, the judgment creditor or a successor in interest
5 whose interest appears of record may obtain discovery from any person—including the judgment
6 debtor—as provided in these rules or by the procedure of the state where the court is located.” Fed.
7 R. Civ. P. 69(a)(2). The scope of post-judgment discovery is broad and the judgment-creditor is
8 permitted to make a broad inquiry to discover any hidden or concealed assets of a judgment-debtor.
9 *1st Technology, LLC v. Rational Enterprises, LTDA*, 2007 WL 5596692 *4 (D. Nev.) (citation
10 omitted).

11 The requested judgment-debtor exam is authorized under the aforementioned law. The
12 undersigned expresses no view regarding the several categories of documents Plaintiffs request that
13 the Judgment Debtor bring to the examination, except to say that such requests must conform to the
14 Federal Rules or “the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(2);
15 see also *Alcalde v. NAC Real Estate Investments & Assignments, Inc.*, 580 F. Supp. 2d 969, 971
16 (C.D. Cal. 2008) (“The judgment creditor may also propound discovery to the judgment debtor,
17 including requests for production and/or inspection of documents.”).

18 Based on the foregoing and good cause appearing therefore,

19 **IT IS HEREBY ORDERED** that Plaintiffs’ Motion for Judge Debtor Exam (#29) is
20 **granted**.


21 **IT IS FURTHER ORDERED** that Judgment Debtor/Defendant PRIME NIGHTLIFE,
22 LLC shall designate a person most knowledgeable to appear on **Thursday, December 18, 2014 at**
23 **1:00 PM** at the office of Greenberg Traurig, LLP, 3773 Howard Hughes Parkway, Suite 400 North,
24 Las Vegas, Nevada 89169 to then and there answer questions under oath regarding Defendant
25 PRIME NIGHTLIFE, LLC’s assets and means of paying the judgment in this matter and for such
26 other proceedings as there may occur consistent with proceedings supplementary to execution.

27 **IT IS FURTHER ORDERED** that Judgment Debtor/Defendant PRIME NIGHTLIFE,
28 LLC shall refrain from effectuating any transfer of or interference with any property that is not

1 exempt from execution.

2 **IT IS FURTHER ORDERED** that a copy of this order shall be personally served upon the
3 Judgment Debtor at least **fourteen (14)** calendar days before the hearing scheduled herein and
4 proof of service filed with the Court. Failure to appear may subject the Judgment Debtor to
5 sanctions for contempt of court.

6 DATED: November 10, 2014.

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10 **C.W. Hoffman, Jr.**
11 **United States Magistrate Judge**
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